

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WELLS FARGO BANK,)
NATIONAL ASSOCIATION,)
successor by merger to Wachovia)
Bank, National Association,)
Plaintiff,)
v.) 2:10-cv-2759-SLB
TIMOTHY L. FRANKS and)
ROBERT A. McGUIRE,)
Defendants,)

MEMORANDUM OF OPINION

On April 25, 2011 the Magistrate Judge's Report and Recommendation ("R&R") was filed in this matter. (Doc. 10). No objections have been filed pursuant to Rule 72(b) of the *Federal Rules of Civil Procedure*.

Having carefully reviewed and considered de novo all the materials in the court file, including the findings and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation **ACCEPTED**. Accordingly, the motion filed by plaintiff Wells Fargo Bank, National Association ("Wells Fargo") seeking a default judgment against Defendants Timothy L. Franks and Robert A. McGuire ("Defendants") (Doc. 7) is due to be granted. As of the date of the Magistrate Judge's R&R, Defendants were liable to pay \$269,709.67, with interest accruing at the aggregate rate of \$54.84 per day. As of today's

date, May 31, 2011, Defendants now owe \$271,683.91. A separate final judgment in that amount will be entered.

DONE, this the 31st day of May, 2011.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE